



FEDERAL ELECTION COMMISSION
Washington DC 20463

THIS IS THE BEGINNING OF ADMINISTRATIVE FINE CASE # 2579

DATE SCANNED 3/29/13

SCANNER NO. 2

SCAN OPERATOR ESS

13092682879



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RECEIVED
FEDERAL ELECTION
COMMISSION
SECRETARIAT

2012 NOV 30 PM 3: 20

November 30, 2012

MEMORANDUM

SENSITIVE

TO: The Commission

THROUGH: Alec Palmer *AP*
Staff Director

FROM: Patricia C. Orrock *PCO*
Chief Compliance Officer

Debbie Chacona *DC*
Assistant Staff Director
Reports Analysis Division

BY: *JW* Jodi Winship/Sari Pickerall *JP*
Compliance Branch

SUBJECT: Reason To Believe Recommendation – 2012 October Quarterly Report (Non-Election Sensitive) for the Administrative Fine Program

Attached is a list of political committees and their treasurers who failed to file the 2012 October Quarterly Report in accordance with 2 U.S.C. 434(a). The 2012 October Quarterly Report was due on October 15, 2012.

The committees listed in the attached RTB Circulation Report either failed to file the report, filed the report no more than thirty (30) days after the due date (considered a late filed report), or filed the report more than thirty (30) days after the due date (considered a non-filed report). In accordance with the schedule of civil money penalties for reports at 11 CFR 111.43, these committees should be assessed the civil money penalties highlighted on the attached circulation report.

Recommendation

1. Find reason to believe that the political committees and their treasurers listed on the RTB Circulation Report violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalties would be the amounts indicated on the RTB Circulation Report.
2. Send the appropriate letters.

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Federal Election Commission
Reason to Believe Circulation Report
2012 OCTOBER QUARTERLY Not Election Sensitive 10/15/2012 H_S_P_UNAUTH

AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
2573	C00516468	BENNETT FOR SENATE COMMITTEE	BENNETT, RICHARD A	JOSHUA A. TARDY	\$439,695	0	10/31/2012	16	\$6,000	\$135
2576	C00508705	COMMITTEE TO ELECT ERNIE BELTZ JR FOR US CONGRESS	BELTZ, ERNIE ALAN JR	NATHAN CHRISTOPHER	\$151,759	0		Not Filed	\$50,586 (est)	\$2,970
2579	C00509471	DAN LILJENQUIST FOR US SENATE	LILJENQUIST, DAN	MIKE MCCALLIEV	\$1,689,395	0	10/22/2012	7	\$65,867	\$907
2581	C00504845	ELECT CLARK HALL	HALL, CLARK MADISON	P.R. CLATWORTHY	\$826,596	0	10/22/2012	7	\$11,803	\$145
2583	C00255471	HOOSIERS SUPPORTING BUYER FOR CONGRESS	BUYER, CONGRESSMAN STEVE	STEPHANIE MATTIX	\$103,304	0	11/19/2012	Not Filed	\$15,938	\$550
2586	C00507590	KATHLEEN HICKS FOR CONGRESS	HICKS, ERIN KATHLEEN	DR. CAMILLE RODRIGUEZ	\$181,748	0		Not Filed	\$45,437 (est)	\$990
2590	C00503359	MARK OXNER FOR CONGRESS	OXNER, MARK ANTHONY	AMPARO O. OXNER	\$169,903	0		Not Filed	\$42,476 (est)	\$990

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AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
2595	C00509620	SALOMON TORRES FOR CONGRESS	TORRES, SALOMON	JUAN E. RIVERA, CPA	\$161,597	0	11/1/2012	17	\$4,097	\$110

2597	C00518027	STEVE SALAZAR FOR CONGRESS	SALAZAR, STEVE	ROSARIO RODRIGUEZ	\$221,423	1		Not Filed	\$110,712 (est)	\$6,187
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2600	C00494773	TERRY WHITE FOR INDIANA	WHITE, TERRY A	TERRY A. WHITE	\$310,727	0		Not Filed	\$62,145 (est)	\$2,970
2601	C00509596	TEXANS FOR KY GRIFFIN	GRIFFIN, KY DOUGLAS	RHONDA GRIFFIN	\$140,452	0	11/5/2012	21	\$13,131	\$215

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Reason To Believe Recommendation - 2012)
October Quarterly Report (Non-Election)
Sensitive) for the Administrative Fine)
Program:)

BENNETT FOR SENATE COMMITTEE,) AF# 2573
and JOSHUA A TARDY as treasurer;)

COMMITTEE TO ELECT ERNIE BELTZ) AF# 2576
JR FOR US CONGRESS, and NATHAN)
CHRISTOPHER as treasurer;)

DAN LILJENQUIST FOR US SENATE,) AF# 2579
and MIKE MCCAULEY as treasurer;)

ELECT CLARK HALL, and) AF# 2581
CLATWORTHY, P.R. as treasurer;)

HOOSIERS SUPPORTING BUYER FOR) AF# 2583
CONGRESS, and MATTIX, STEPHANIE)
as treasurer;)

KATHLEEN HICKS FOR CONGRESS,) AF# 2586
and DR CAMILLE RODRIGUEZ as)
treasurer;)

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Federal Election Commission
Certification for Administrative Fines
December 04, 2012

Page 2

MARK OXNER FOR CONGRESS, and) AF# 2590
AMPARO O OXNER as treasurer;)

SALOMON TORRES FOR CONGRESS,) AF# 2595
and JUAN E RIVERA CPA as treasurer;)

STEVE SALAZAR FOR CONGRESS, and) AF# 2597
ROSARIO RODRIGUEZ as treasurer;)

TERRY WHITE FOR INDIANA, and) AF# 2600
TERRY A WHITE as treasurer;)
TEXANS FOR KY GRIFFIN, and) AF# 2601
RHONDA GRIFFIN as treasurer;)

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CERTIFICATION

I, Shawn Woodhead Werth, Secretary and Clerk of the Federal Election Commission, do hereby certify that on December 04, 2012 the Commission took the following actions on the Reason To Believe Recommendation - 2012 October Quarterly Report (Non-Election Sensitive) for the Administrative Fine Program as recommended in the Reports Analysis Division's Memorandum dated November 30, 2012, on the following committees:

AF#2573 Decided by a vote of 6-0 to: (1) find reason to believe that BENNETT FOR SENATE COMMITTEE, and JOSHUA A TARDY as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

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AF#2576 Decided by a vote of 6-0 to: (1) find reason to believe that COMMITTEE TO ELECT ERNIE BELTZ JR FOR US CONGRESS, and NATHAN CHRISTOPHER as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2579 Decided by a vote of 6-0 to: (1) find reason to believe that DAN LILJENQUIST FOR US SENATE, and MIKE MCCAULEY as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2581 Decided by a vote of 6-0 to: (1) find reason to believe that ELECT CLARK HALL, and CLATWORTHY, P.R. as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

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AF#2583 Decided by a vote of 6-0 to: (1) find reason to believe that HOOSIERS SUPPORTING BUYER FOR CONGRESS, and MATTIX, STEPHANIE as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2586 Decided by a vote of 6-0 to: (1) find reason to believe that KATHLEEN HICKS FOR CONGRESS, and DR CAMILLE RODRIGUEZ as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

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AF#2590 Decided by a vote of 6-0 to: (1) find reason to believe that MARK OXNER FOR CONGRESS, and AMPARO O OXNER as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2595 Decided by a vote of 6-0 to: (1) find reason to believe that SALOMON TORRES FOR CONGRESS, and JUAN E RIVERA CPA as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

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AF#2597 Decided by a vote of 6-0 to: (1) find reason to believe that STEVE SALAZAR FOR CONGRESS, and ROSARIO RODRIGUEZ as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2600 Decided by a vote of 6-0 to: (1) find reason to believe that TERRY WHITE FOR INDIANA, and TERRY A WHITE as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2601 Decided by a vote of 6-0 to: (1) find reason to believe that TEXANS FOR KY GRIFFIN, and RHONDA GRIFFIN as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

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December 4, 2012
Date

Attest:

Shawn Woodhead Werth
Shawn Woodhead Werth
Secretary and Clerk of the Commission

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 5, 2012

Mike McCauley, in official capacity as Treasurer
Dan Liljenquist for US Senate
10 West Broadway, Suite 500
Salt Lake City, UT 84101

C00509471
AF#: 2579

Dear Mr. McCauley:

The Federal Election Campaign Act of 1971, as amended ("the Act"), requires that your committee file an October Quarterly Report of Receipts and Disbursements every calendar year. This report, covering the period through September 30, 2012, shall be filed no later than October 15, 2012. 2 U.S.C. § 434(a). Records at the Federal Election Commission ("FEC") indicate that this report was filed on October 22, 2012, seven (7) days late.

The Act permits the FEC to impose civil money penalties for violations of the reporting requirements of 2 U.S.C. § 434(a). 2 U.S.C. § 437g(a)(4). On December 4, 2012, the FEC found that there is reason to believe ("RTB") that Dan Liljenquist for US Senate and you, in your official capacity as treasurer, violated 2 U.S.C. § 434(a) by failing to file timely this report on or before October 15, 2012. Based on the FEC's schedules of civil money penalties at 11 CFR § 111.43, the amount of your civil money penalty calculated at the RTB stage is \$907. Please see the attached copy of the Commission's administrative fine regulations at 11 CFR §§ 111.30-111.55. Attachment 1. The Commission's website contains further information about how the administrative fine program works and how the fines are calculated. See <http://www.fec.gov/af/af.shtml>. 11 CFR § 111.34. Your payment of \$907 is due within forty (40) days of the finding, or by January 13, 2013, and is based on these factors:

Election Sensitivity of Report: Not Election Sensitive
Level of Activity: \$65,867
Number of Days Late: 7
Number of Previous Civil Money Penalties Assessed: 0

At this juncture, the following courses of action are available to you:

1. If You Choose to Challenge the RTB Finding and/or Civil Money Penalty

If you should decide to challenge the RTB finding and/or calculated civil money penalty, you must submit a written response, including the AF# found at the top of page 1 under your committee's identification number, to the FEC's Office of Administrative Review, 999 E Street, NW, Washington, DC 20463. Your response must be received within forty (40) days of the

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Commission's RTB finding, or January 13, 2013. 11 CFR § 111.35(a). Your written response must include the reason(s) why you are challenging the RTB finding and/or calculated civil money penalty, and must include the factual basis supporting the reason(s) and supporting documentation. The FEC strongly encourages that documents be submitted in the form of affidavits or declarations. 11 CFR § 111.36(c).

The FEC will only consider challenges that are based on at least one of three grounds: (1) a factual error in the RTB finding; (2) miscalculation of the calculated civil money penalty by the FEC; or (3) your demonstrated use of best efforts to file in a timely manner when prevented from doing so by reasonably unforeseen circumstances that were beyond your control. 11 CFR § 111.35(b). In order for a challenge to be considered on the basis of best efforts, you must have filed the required report no later than 24 hours after the end of these reasonably unforeseen circumstances. *Id.* Examples of circumstances that will be considered reasonably unforeseen and beyond your control include, but are not limited to, (1) a failure of Commission computers or Commission-provided software despite your seeking technical assistance from Commission personnel and resources; (2) a widespread disruption of information transmissions over the Internet that is not caused by a failure of the Commission's or your computer systems or Internet service provider; and (3) severe weather or other disaster-related incident. 11 CFR § 111.35(c). Examples of circumstances that will not be considered reasonably unforeseen and beyond your control include, but are not limited to, (1) negligence; (2) delays caused by vendors or contractors; (3) treasurer and staff illness, inexperience or unavailability; (4) committee computer, software, or Internet service provider failures; (5) failure to know filing dates; and (6) failure to use filing software properly. 11 CFR § 111.35(d).

The "failure to raise an argument in a timely fashion during the administrative process shall be deemed a waiver" of your right to present such argument in a petition to the U.S. district court under 2 U.S.C. § 437g. 11 CFR § 111.38.

If you intend to be represented by counsel, please advise the Office of Administrative Review. You should provide, in writing, the name, address and telephone number of your counsel and authorize counsel to receive notifications and communications relating to this challenge and imposition of the calculated civil money penalty.

2. If You Choose Not to Pay the Civil Money Penalty and Not to Submit a Challenge

If you do not pay the calculated civil money penalty and do not submit a written response, the FEC will assume that the preceding factual allegations are true and make a final determination that Dan Liljenquist for US Senate and you, in your official capacity as treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty.

Unpaid civil money penalties assessed through the Administrative Fine regulations will be subject to the Debt Collection Act of 1982 ("DCA"), as amended by the Debt Collection Improvement Act of 1996, 31 U.S.C. § 3701 *et seq.* The FEC may take any and all appropriate action authorized and required by the DCA, as amended, including transfer to the U.S. Department of the Treasury for collection. 11 CFR § 111.51(a)(2).

3. If You Choose to Pay the Civil Money Penalty

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If you should decide to pay the calculated civil money penalty, send the enclosed remittance form, along with your payment, to the FEC at the address on page 4. Upon receipt of your payment, the FEC will send you a final determination letter.

This matter was generated based on information ascertained by the FEC in the normal course of carrying out its supervisory responsibilities. 2 U.S.C. § 437g(a)(2). It will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and 437g(a)(12)(A) until it is placed on the public record in accordance with 11 CFR § 111.42, unless you notify the FEC in writing that you wish the matter to be made public.

As noted earlier, you may obtain additional information on the FEC's administrative fine program, including the final regulations, on the FEC's website at <http://www.fec.gov/af/af.shtml>. If you have questions regarding the payment of the calculated civil money penalty, please contact Sari Pickerall in the Reports Analysis Division at our toll free number (800) 424-9530 (at the prompt press 5) or (202) 694-1130. If you have questions regarding the submission of a challenge, please contact the Office of Administrative Review at our toll free number (800) 424-9530 (press 0, then ext. 1660) or (202) 694-1660.

On behalf of the Commission,



Caroline C. Hunter
Chair

13092682893

ADMINISTRATIVE FINE REMITTANCE & PAYMENT INSTRUCTIONS

In accordance with the schedule of penalties at 11 CFR § 111.43, the amount of your civil money penalty calculated at RTB is \$907 for the 2012 October Quarterly Report.

Please mail this remittance with a check or money order made payable to the Federal Election Commission to the following address:

Federal Election Commission
P.O. Box 979058
St. Louis, MO 63197-9000

If you choose to send your remittance and payment by courier or overnight delivery, please use this address:

U.S. Bank - Government Lockbox
FEC #979058
1005 Convention Plaza
Attn: Government Lockbox, SL-MO-C2GL
St. Louis, MO 63101

The remittance and your payment are due by January 13, 2013. Upon receipt of your remittance and payment, the FEC will send you a final determination letter.

PAYMENTS BY PERSONAL CHECK

Personal checks will be converted into electronic funds transfers (EFTS). Your account will be electronically debited for the amount on your check, usually within 24 hours, and the debit will appear on your regular statement. We will destroy your original check and keep a copy of it. In case the EFT cannot be processed for technical reasons, you authorize us to process the copy in lieu of the original check. Should the EFT not be completed because of insufficient funds, we may try to make the transfer twice.

PLEASE DETACH AND RETURN THE PORTION BELOW WITH YOUR PAYMENT

FOR: Dan Liljenquist for US Senate

FEC ID#: C00509471

AF#: 2579

PAYMENT DUE DATE: January 13, 2013

PAYMENT AMOUNT DUE: \$907

13092682894

FEC OFFICE OF ADMIN REVIEW

December 27, 2012

2013 JAN -8 AM 7: 37

RECEIVED
2013 JAN -3 AM 11:40
FEC MAIL CENTER

Federal Election Commission
Office of Administrative Review
999 E Street, NW
Washington, DC 20463
Att: Ms. Caroline C. Hunter, Chair

RE: Dan Liljenquist for US Senate Campaign Committee C00509471 (AF#2579)

Dear Ms. Hunter:

We are in receipt of your letter dated December 5, 2012 in which you indicate our October quarterly report covering the period through September 30, 2012 was filed with the Federal Election Commission on October 22, 2012 making it a full seven (7) days late.

We respectfully choose to challenge the Commission's finding and assessed penalty in the amount of \$907 based on the following information.

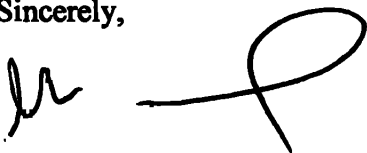
On October 10, 2012 we delivered the report, along with others to the UPS Store to be shipped via first class mail (Receipt with tracking info attached) to the Secretary of the Senate as required by law.

Copies of the scanned envelope (attached) provided by the Secretary of the Senate show the envelope containing the report was processed on October 10, 2012 and the tracking label can readily be identified from the receipt.

Based on the stamped information provided on the envelope, it appears that the vendor failed to assess a proper amount of postage and our office assistant would NOT have known of the discrepancy. The packages were returned to our offices as the return address for insufficient postage. We contacted the vendor directly as soon as the reports came back to us. They recognized the error as being their responsibility and shipped the reports in question overnight for free on October 22, 2012.

Therefore, we believe we followed all necessary procedures to meet the requirements of a timely filing with the Secretary of the Senate.

Sincerely,



Mike McCauley, CPA
Treasurer

13092682895

The UPS Store - #5683
32 West 200 South
Salt Lake City, UT 84101
(801) 363-7100

10/10/12 02:26 PM

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shipping, postal and business needs.

Track your packages at our website
www.theupsstorelocal.com/5683



000007 (022) TO \$ 4.67
First Class Letter
Tracking# 03100480000086217671
000007 (022) TO \$ 4.67
First Class Letter
Tracking# 03100480000086217688
000007 (022) TO \$ 5.23
First Class Letter
Tracking# 03100480000086217695
000088 (022) TO \$ 7.50
Priority Mail
Tracking# 9405510200830544519432
008000 (022) TO \$ 31.78
Express Mail
Tracking# 9471010200883523786170

SubTotal \$ 53.85
Total \$ 53.85

VISA \$ 53.85
ACCOUNT NUMBER * *****0119
appr Code: (S) Sale

Receipt ID 82716922602915888702 005 Items
SH: Courtney Tran: 2369 Reg: 002

Add a Declared Value to your package
and be reimbursed for damage or loss!

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WIN \$1000

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To enter please complete the customer
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www.theupsstore.com/survey

For official rules and Terms and
Conditions go to www.theupsstore.com

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AS DOCUMENTATION FOR AF #2579

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New York City 10011

391

\$3.14⁵
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United States Postal Service

DELIVERY CONFIRMATION™

OCT 30 12 PM



0330 0460 0000 6621 7695

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BY THE SENATE
POST OFFICE

12021020085

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Lake City, UT 84401

\$2.80²
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84101

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DELIVERY CONFIRMATION

4.25
RETURNED FOR POSTAGE



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BY THE SENATE
POST OFFICE

SALE LAKE CITY UT 84401
WED 18 OCT 2012 PM

12021020086



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Via First Class Mail

January 8, 2013

Mike McCauley, in official capacity as Treasurer
Dan Liljenquist for US Senate
10 West Broadway, Suite 500
Salt Lake City, UT 84101

C00509471
AF#: 2579

Dear Mr. McCauley:

On January 3, 2013, the Commission received your written response ("challenge") which is being reviewed by the Office of Administrative Review. If you have any questions regarding your challenge, please contact this Office on our toll free number (800)424-9530 (press 0, then ext. 1660) or (202)694-1660.

Sincerely,

A handwritten signature in black ink that reads "Rhiannon Magruder". The signature is written in a cursive, flowing style.

Rhiannon Magruder
Acting Reviewing Officer
Office of Administrative Review

13092682899

Date: January 9, 2013

**REFERRAL TO OFFICE OF ADMINISTRATIVE REVIEW
CHALLENGE RECEIVED**

AF#: 2579

Committee Name: Dan Liljenquist for US Senate

Committee ID#: C00509471

Committee Address (if different than in RTB letter): N/A

Treasurer Name (if different than in RTB finding): N/A

Attachments:

**Copy of RTB Circulation Report, dated November 30, 2012 and RTB
Certification, dated December 4, 2012 (Y/N):** Y

Attachment #: 1

Proof of Delivery (to be forwarded at later date if not yet received) (Y/N): Y

Attachment #: 2

Other Relevant Telecoms (Y/N): N

Attachment #: N/A

Original Correspondence Received by RAD in Response to RTB Letter (Y/N): N

Attachment #: N/A

RAD Staff Declaration (Y/N): Y

-2012 October Quarterly Report Prior Notice, dated September 21, 2012.

-RTB Letter, dated December 5, 2012.

Attachment #: 4

Other RAD Information: (Y/N): N

Attachment#: N/A

13092682900



Delivery Notification

Dear Customer,

This notice serves as proof of delivery for the shipment listed below.

Tracking Number: 1Z WF5 860 A2 9677 927 7
Reference Number(s): RAD, 2579
Service: NEXT DAY AIR
Special Instructions: ADULT SIGNATURE REQUIRED
Shipped/Billed On: 12/04/2012
Delivered On: 12/06/2012 3:20 P.M.
Delivered To: 10 W BROADWAY
 500
 SALT LAKE CITY, UT, US 84101

Signed By: **YOUNG**

Location: FRONT DESK

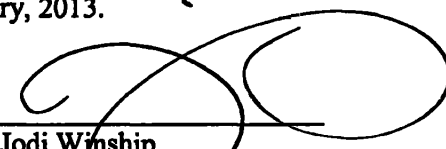
Thank you for giving us this opportunity to serve you.

**Sincerely,
UPS**

Tracking results provided by UPS: 12/10/2012 3:24 P.M. ET

DECLARATION OF JODI WINSHIP

1. I am the Chief of the Compliance Branch for the Reports Analysis Division of the Federal Election Commission ("Commission"). In my capacity as Chief of the Compliance Branch, I oversee the initial processing of the Administrative Fine Program. I make this declaration based on my personal knowledge and, if called upon as a witness, could and would testify competently to the following matters.
2. I hereby certify that documents identified herein are true and accurate copies of the following sent by the Commission to Dan Liljenquist for US Senate:
 - A) Prior Notice, dated September 21, 2012, referencing the 2012 October Quarterly Report (sent via electronic mail to: mike@mccauleyassociatespc.com);
 - B) Reason-to-Believe Letter, dated December 5, 2012 referencing the 2012 October Quarterly Report.
3. I hereby certify that I have searched the Commission's public records and find that Dan Liljenquist for US Senate filed the 2012 October Quarterly Report with the Commission on October 22, 2012.
4. Pursuant to 28 U.S.C. 1746, I declare under penalty of perjury that the foregoing is true and correct and that all relevant telecoms for the matter have been provided. This declaration was executed at Washington, D.C. on the 9th day of January, 2013.



Jodi Winship
Chief, Compliance Branch
Reports Analysis Division
Federal Election Commission



OCTOBER QUARTERLY REPORT NOTICE

FEDERAL ELECTION COMMISSION

CONGRESSIONAL COMMITTEES
PARTIES AND PACS

September 21, 2012

CURRENT REPORT DUE

REPORT	CLOSE OF BOOKS	REG/CERT & OVERNIGHT MAILING DEADLINE	FILING DEADLINE
October Quarterly	09/30/12	10/15/12	10/15/12

REPORTING SCHEDULE FOR REMAINDER OF 2012

REPORT	CLOSE OF BOOKS	REG/CERT & OVERNIGHT MAILING DEADLINE	FILING DEADLINE
Pre-General ¹	10/17/12	10/22/12	10/25/12
Post-General	11/26/12	12/06/12	12/06/12
Year-End	12/31/12	01/31/13	01/31/13

Supplemental Filing Information is available:

- Congressional Committees
- Parties and PACs

¹ A reporting period always begins the day after the closing date of the last report filed. If the committee is new and has not previously filed a report, the first report must cover all activity that occurred before the committee registered up through the close of books for the first report due.

² **Parties and PACs:** required only if committee makes contributions or expenditures in connection with the general election during the reporting period. 11 CFR 104.5(c)(1)(ii).
Congressional Committees: the principal campaign committee of a candidate who participates in the general election must file pre-and post-general election reports. 11 CFR 104.5(a)(2).

2012 SUPPLEMENTAL FILING INFORMATION CONGRESSIONAL COMMITTEES

PLEASE NOTE: The Commission provides reminders of upcoming filing dates as a courtesy to help committees comply with the filing deadlines set forth in the Act and Commission regulations. Committee treasurers must comply with all applicable filing deadlines established by law, and the lack of prior notice does not constitute an excuse for failing to comply with any filing deadline.

WHO MUST FILE

Principal campaign committees of congressional candidates ¹ (including unopposed candidates and candidates whose names do not appear on the ballot) must file Quarterly Reports in 2012. ²

Campaigns that raise or spend more than \$5,000 for the 2012 election cycle (and thus trigger registration and reporting requirements) must file quarterly reports throughout 2012, even if the candidate plans to retire, withdraws from the race prior to the primary election, loses the primary or drops out of the race prior to the general election. See 11 CFR 104.5(a)(2).

Before a committee can stop filing with the FEC, it must file a termination report with the Commission. See 11 CFR 102.3. Committees must continue to file reports until the Commission notifies them in writing that their termination report has been accepted.

METHODS OF FILING REPORTS

Electronic Filing

Reports filed electronically must be received and validated by the Commission by 11:59 p.m. Eastern Time on the filing deadline. See 11 CFR 104.5(e). See also 11 CFR 104.18 and 100.19.

- Web Page: Electronic Filing Page
- Campaign Guide for Congressional Candidates and Committees (Candidate Guide), pp. 83-86 [PDF]

Paper Filing - Meeting the Filing Deadline

Paper Report filing options -- Registered, Certified or Overnight or First Class Mail.

See 11 CFR 104.5(e). See also 11 CFR 100.19.

- Web Page: Link to Paper Forms (for downloading and printing)
- Candidate Guide, p. 82 [PDF]

¹ Generally, an individual becomes a candidate for federal office (and thus triggers registration and reporting obligations) when his or her campaign exceeds \$5,000 in either contributions or expenditures. If the campaign has not crossed the \$5,000 threshold, it is not required to file reports. See 11 CFR 100.3(a). See also 11 CFR 104.5(a).

² If a candidate has more than one authorized committee, the principal campaign committee files a consolidated report on Form 3Z [PDF]. See 11 CFR 104.3(f).

13092682904

PRE- AND POST-ELECTION REPORTS

The principal campaign committee of any candidate participating in a 2012 state primary, nominating convention or runoff election -- even if unopposed -- must also file a pre-election report 12 days prior to the primary, nominating convention or runoff. The principal campaign committee of a candidate who participates in the general election must file pre- and post-general election reports. See 11 CFR 104.5(a)(2).

- Web Page: 2012 Congressional Pre-Primary Reporting Dates
- The Record:
 - FEC Record Blog: Reporting
 - January 2012 issue [PDF]
- Candidate Guide, pp. 81-82 [PDF]

48 HOUR NOTICES OF CONTRIBUTIONS

The principal campaign committee must file notices if any authorized committees receive any contribution (including in-kind gifts or advances of goods or services; loans from the candidate or other non-bank sources; and guarantees or endorsements of bank loans to the candidate or committee) of \$1,000 or more per source, during the period less than 20 days but more than 48 hours before any election in which the candidate is running. See 11 CFR 104.5(f).

The notices must reach the appropriate federal filing office within 48 hours of the committee's receipt of the contribution(s). Campaign committees that file electronically **MUST** submit their 48-hour notices electronically. See 11 CFR 104.5(f).

- Web Page: Electronic Filing Page
- Web Page: Link to Paper Forms (for downloading and printing)
- Web Page: Link to Web Form 6 (for online submission)
- Form 6 Fax numbers
 - Senate campaigns (Secretary of the Senate): (202) 224-1851
 - House Campaigns (FEC): (202) 219-0174
- Campaign Guide: Candidate Guide, p. 81 [PDF]

2012 REPORTING SCHEDULE

- Web Page: 2012 Reporting Dates Page
- The Record:
 - FEC Record Blog: Reporting
 - January 2012 issue [PDF]
- Candidate Guide, p. 83 [PDF]

COMPLIANCE

Treasurer Responsibility

Committee Treasurers are responsible for both the timeliness and the accuracy of all reports. They may be subject to monetary penalties if reports are inaccurate or are not filed on time. See 11 CFR 104.14(d).

- [Statement of Policy Regarding Treasurers Subject to Enforcement Proceedings \[PDF\]](#)
- [Candidate Guide, p. 7-9 \[PDF\]](#)

Administrative Fine Program

Political committees and their treasurers who fail to file their reports on time may be subject to civil money penalties up to \$17,600 (or more for repeat late- and non-filers).³ See generally, 11 CFR Part 111 Subpart B. See also 11 CFR 111.43.

- Web Page: [Administrative Fine Program](#)
- [Candidate Guide, pp. 82-83 \[PDF\]](#)

DISCLOSURE OF LOBBYIST BUNDLING ACTIVITY

Campaign committees must file [FEC Form 3L \[PDF\]](#) if they receive two or more bundled contributions from lobbyists/registrants or lobbyist/registrant PACs that aggregate in excess of \$16,700 during the applicable reporting period ([see page 1 of this notice](#)). See 11 CFR 104.22 and 11 CFR 110.17(f).

- The Record: [March 2009 issue \[PDF\]](#)
- [Candidate Guide, Appendix F, pp. 155-161 \[PDF\]](#)

IMPORTANT FILING INFORMATION - PAPER FILERS

In response to the 2001 anthrax threat, the U.S. Postal Service is irradiating mail directed to many federal agencies, including the FEC and the Secretary of the Senate.⁴ This process has not only delayed mail delivery, it has also damaged and in some cases destroyed pieces of mail. As a result, committees that file reports with the FEC may want to consider submitting their reports by some means other than U.S. mail. Alternative methods include electronic filing, overnight mail or delivery service, and hand delivery.

³ Penalties for late- or non-filing of 48-hour notices are based on the amount of contributions not timely disclosed. As a result, these penalties may exceed \$17,600, even for first-time violations.

⁴ Senate committees should contact the Secretary of the Senate at (202) 224-0322 for more information on filing reports via US mail.

FOR INFORMATION, CALL: (800) 424-9530 or (202) 694-1100

2012 SUPPLEMENTAL FILING INFORMATION PACs AND PARTY COMMITTEES

PLEASE NOTE: The Commission provides reminders of upcoming filing dates as a courtesy to help committees comply with the filing deadlines set forth in the Act and Commission regulations. Committee treasurers must comply with all applicable filing deadlines established by law, and the lack of prior notice does not constitute an excuse for failing to comply with any filing deadline.

WHO MUST FILE

All Party Committees and PACs (Nonconnected Committees and Separate Segregated Funds) must file either quarterly or monthly reports in 2012. See 11 CFR 104.5(c). Before a committee can stop filing with the FEC, it must file a termination report with the Commission. See 11 CFR 102.3. Committees must continue to file reports until the Commission notifies them in writing that their termination report has been accepted.

METHODS OF FILING REPORTS

Electronic Filing

Reports filed electronically must be received and validated by the Commission by 11:59 p.m. Eastern Time on the filing deadline. See 11 CFR 104.5(e). See also 11 CFR 104.18 and 100.19.

- Web Page: Electronic Filing Page
- Campaign Guide: Nonconnected Committees (Nonconnected), pp. 51-53 [PDF]; Corporations and Labor Organizations (SSF), pp. 49-51 [PDF]; Political Party Committees (Party), pp. 69-71 [PDF].

Paper Filing – Meeting the Filing Deadline

Paper report filing options – Registered, Certified or Overnight or First Class Mail. See 11 CFR 104.5(e). See also 11 CFR 100.19.

- Web Page: Link to Paper Forms (for downloading and printing)
- Campaign Guide: Nonconnected, pp. 47-48 [PDF]; SSF, pp. 45-46 [PDF]; Party, p. 65 [PDF].

CHANGE IN FILING FREQUENCY

Committees able to change their reporting schedule (for example, from monthly to quarterly) who wish to do so must notify the Commission in writing and may change their filing frequency no more than once per calendar year. See 11 CFR 104.5(c).

- Web Page: Filing Frequency by Type of Committee
- Campaign Guide: Nonconnected, p. 51 [PDF]; SSF, p. 49 [PDF]; Party, p. 67 [PDF].

2012 REPORTING SCHEDULE

- Web Page: 2012 Reporting Dates Page
- The Record:
 - FEC Record Blog: Reporting
 - January 2012 issue [PDF]
- Campaign Guide: Nonconnected, pp. 49-51 [PDF]; SSF, pp. 46-48 [PDF]; Party, pp. 67-68 [PDF].

PRE-ELECTION REPORTING

Quarterly filing committees that make contributions or expenditures (including independent expenditures) in connection with an election must also file a Pre-Election Report, if the activity was not previously reported. See 11 CFR 104.5(c)(1)(ii).

- Web Page: 2012 Congressional Pre-Primary Reporting Dates Page
- The Record:
 - FEC Record Blog: Reporting
 - January 2012 issue [PDF]
- Campaign Guide: Nonconnected, pp. 49-51 [PDF]; SSF, pp. 46-48 [PDF]; Party, pp. 67-68 [PDF].

COMPLIANCE

Treasurer Responsibility

Committee treasurers are responsible for both the timeliness and the accuracy of all reports. They may be subject to monetary penalties if reports are inaccurate or are not filed on time. See 11 CFR 104.14(d).

- Statement of Policy Regarding Treasurers Subject to Enforcement Proceeding [PDF]
- Campaign Guide: Nonconnected, pp. 3-4 [PDF]; SSF, pp. 1-2 [PDF]; Party, pp. 6-7 [PDF].

Administrative Fine Program

Failure to file reports on time may be subject to civil money penalties up to \$17,600 (or more for repeat late- or non-filers). See 11 CFR 111.43(b). See generally, 11 CFR Part 111 Subpart B. See also 11 CFR 111.43.

- Web Page: Administrative Fine Program Page
- Campaign Guide: Nonconnected, pp. 48-49 [PDF]; SSF, p. 46 [PDF]; Party, p. 66 [PDF].

DISCLOSURE OF LOBBYIST BUNDLING ACTIVITY

Party committees and Leadership PACs must file FEC Form 3L [PDF] if they receive two or more bundled contributions from lobbyists/registrants or lobbyist/registrant PACs that aggregate in excess of \$16,700 during the applicable reporting period (see page 1 of this notice). See 11 CFR 104.22 and 11 CFR 110.17(f).

- The Record: March 2009 issue [PDF]

48- AND 24-HOUR REPORTS OF INDEPENDENT EXPENDITURES

Any PAC or Party Committee that makes independent expenditures in 2012 may have to disclose this activity within 48- or 24-hours based upon the date and amount of the expenditure.

See 11 CFR 104.4(b)(2) and (c). See generally, 11 CFR 104.4.

- Web Page: State-by-state chart of 2012 48- and 24-hour periods for independent expenditures
- Campaign Guide: Nonconnected, pp. 72-74 [PDF]; SSF, pp. 65-67 [PDF]; Party, pp. 87-89 [PDF].

These reports are not required when a PAC or Party Committee makes a contribution directly to a candidate.

FOR INFORMATION, CALL: (800) 424-9530 or (202) 694-1100



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RECEIVED
FEDERAL ELECTION
COMMISSION
SECRETARIAT

2013 FEB -8 PM 2: 58

February 8, 2013

MEMORANDUM

SENSITIVE

To: The Commission

Through: *for* Alec Palmer *APM*
Staff Director

From: Patricia C. Orrock *PCO*
Chief Compliance Officer

Rhiannon Magruder *RM*
Acting Reviewing Officer
Office of Administrative Review

Subject: Reviewing Officer Recommendation in AF# 2579 – Dan Liljenquist
for US Senate and Mike McCauley, in his official capacity as
Treasurer (C00509471)

The attached Reviewing Officer Recommendation is being circulated on an informational basis. A copy was also sent to the respondents in accordance with 11 C.F.R. § 111.36(f). The respondents may file with the Commission Secretary a written response within 10 days of transmittal of the recommendation.

After the 10 day period, the Reviewing Officer Recommendation and the respondents' written response, if any, will be circulated to the Commission to make a final determination.

Attachment

13092682909



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

February 8, 2013

**REVIEWING OFFICER RECOMMENDATION
OFFICE OF ADMINISTRATIVE REVIEW ("OAR")**

**AF# 2579— Dan Liljenquist for US Senate and Mike McCauley, in his official capacity as
Treasurer (C00509471)**

Summary of Recommendation

Take no further action that the respondents violated 2 U.S.C. § 434(a) and close the file.

Reason-to-Believe Background

On December 4, 2012, the Commission found reason to believe ("RTB") that the respondents violated 2 U.S.C. § 434(a) for failing to timely file the 2012 October Quarterly Report and made a preliminary determination that the civil money penalty was \$907 based on the schedule of penalties at 11 C.F.R. § 111.43. A letter was mailed to the respondents' address of record from the Reports Analysis Division ("RAD") on December 5, 2012 to notify them of the Commission's RTB finding and civil money penalty.

Legal Requirements

The Federal Election Campaign Act ("Act") states that the treasurer of a principal campaign committee of a candidate shall file a report for the period ending September 30 no later than October 15. 2 U.S.C. § 434(a)(2)(A)(iii) and 11 C.F.R. § 104.5(a)(1)(i). All reports required to be filed by the principal campaign committee of a candidate for the office of U.S. Senator shall be filed with the Secretary of the Senate. 11 C.F.R. § 105.2. If the report is sent by registered or certified mail, by Express or Priority Mail with delivery confirmation or by overnight delivery service with an online tracking system, and scheduled for next business day delivery, it must be postmarked, or deposited with the mailing service, no later than October 15 to be timely filed. Reports sent by first class mail must be received by the close of business on the filing date to be timely filed. 2 U.S.C. § 434(a)(5), and 11 C.F.R. §§ 100.19(b) and 104.5(e). The treasurer shall be personally responsible for the timely filing of reports. 11 C.F.R. § 104.14(d).

Respondents' Challenge

On January 3, 2013, the Commission received the written response ("challenge") from the Treasurer challenging the RTB finding based on evidence that the report was mailed by their vendor, The UPS Store, on October 10, 2012, via United States Postal Service ("USPS") First Class Mail with Delivery Confirmation. The report was returned to the Committee for inadequate postage, at the fault of The UPS Store staff. The UPS Store acknowledged the error and re-mailed the report via USPS Priority Mail with Delivery Confirmation free of charge to the Committee. Included with the challenge are copies of 1) the RTB Letter; 2) the two original

mailing envelopes with tracking information; and 3) the purchase receipt from the Committee's first attempt to mail the report.

Analysis

The documents provided with the respondents' challenge, along with USPS online delivery tracking system records, confirm the Committee's attempt to mail the October Quarterly Report on October 10, 2012 via USPS First Class Mail with Delivery Confirmation. This delivery method does not qualify as a "safe harbor" method provided for at 2 U.S.C. § 434(a)(5), for which the postmark date is considered the filing date. When a report is mailed via USPS First Class Mail, it is considered filed on the date it is received by the Secretary of Senate. 11 C.F.R. §§ 100.19(b)(2) and 104.5(e).

After being returned to the Committee for inadequate postage, the 2012 October Quarterly Report was re-mailed via a "safe harbor" method and was considered filed on October 22, 2012, 7 days late. According to the Superintendent of the Secretary of Senate's Office of Public Records (OPR) and the Treasurer, the package received at OPR included the two original mailing envelopes as returned to the Committee. These envelopes contained the Committee's October Quarterly Report, along with two reports of different committees. OPR made copies of both envelopes to include with each of the reports. While it cannot be confirmed which envelope contained the respondents' October Quarterly Report, USPS tracking records confirm both original envelopes followed identical paths, rendering this point moot.

During a conversation with the Treasurer on February 7, he indicated that he believed the Committee followed the mailing instructions provided in OPR's courtesy letter sent prior to filing deadlines. He stated the letter stressed that "there is no person to sign" for items delivered to the OPR P.O. Box, and The UPS Store said Registered or Certified Mail without a signature requirement is not a mailing option. Therefore, The UPS Store advised them to send the report via First Class Mail with Delivery Confirmation.

Per the Reviewing Officer's request, the Treasurer emailed a copy of OPR's standard mailing reminder letter. The letter includes the following language with respect to mailing via USPS: "Mail filings USPS certified or registered (use the option that does not have "Return Receipt Requested," as there is no person to sign)..." According to the USPS website, Certified and Registered Mail automatically require signature upon delivery, absent the optional Return Receipt Requested service.

The Reviewing Officer contacted the Superintendent of OPR to clarify the intent of the language. The Superintendent stated the language was based on previous advice from the Senate Post Office; however, Senate staff does currently sign for items delivered to the P.O. Box. Therefore, OPR will consider revising the language before the next circulation of the mailing reminder letter.

While the Reviewing Officer agrees that the report would have likely been delivered on time if The UPS Store had not made an error in calculating the postage, the administrative fine regulations specifically state that delays caused by committee vendors or contractors are not reasonably unforeseen circumstances. 11 C.F.R. § 111.35(d). However, given the Committee's

reasonable interpretation of the language contained in OPR's mailing reminder letter, the Reviewing Officer recommends that the Commission take no further action and close the file.

OAR Recommendations

- (1) Take no further action in AF# 2579 that Dan Liljenquist for US Senate and Mike McCauley, in his official capacity as Treasurer, violated 2 U.S.C. § 434(a) and close the file; and
- (2) Send the appropriate letter.

Acting Reviewing Officer: Rhiannon Magruder

Attachments

- Attachment 1 – Challenge Received from Respondents
- Attachment 2 –
- Attachment 3 –
- Attachment 4 –
- Attachment 5 –
- Attachment 6 – Declaration from RAD
- Attachment 7 – Declaration from OAR

DECLARATION OF RHIANNON MAGRUDER

1. I am the Acting Reviewing Officer in the Office of Administrative Review for the Federal Election Commission ("Commission"). In my capacity as Acting Reviewing Officer, I conduct research with respect to all challenges submitted in accordance with the Administrative Fine program.
2. The 2012 October Quarterly Report is due October 15, 2012. Senate principal campaign committees must file reports with the Secretary of the Senate. Reports sent by first class mail are considered filed on the date of receipt.
3. It is the practice of the Office of Public Records, Secretary of the Senate to date stamp each report as it is received and complete an envelope processing page disclosing the method used to file the report as well as either the date of receipt or postmark.
4. It is the practice of the Reports Analysis Division to document all calls to or from committees regarding a letter they receive or any questions relating to the administrative fine regulations, including due dates of reports and filing requirements.
5. I hereby certify that I have searched the Commission's public records and that the documents identified herein are the true and accurate copies of:
 - a. Page 1 of the Summary Page for the 2012 October Quarterly Report filed by Dan Liljenquist for US Senate and Mike McCauley, in his official capacity as treasurer. According to the Commission's records, the report was received on October 22, 2012 and covers the period from July 1 through September 30, 2012;
 - b. The Office of Public Records, Secretary of Senate scanned envelope copies postmarked October 10, 2012 attached to the 2012 October Quarterly Report;
 - c. The Office of Public Records, Secretary of Senate postmark sheet for the 2012 October Quarterly Report.
6. Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed at Washington, D.C. on the 8th of February, 2013.

Rhiannon Magruder

Rhiannon Magruder
Acting Reviewing Officer
Office of Administrative Review
Federal Election Commission

13092682913

FEC
FORM 3REPORT OF RECEIPTS
AND DISBURSEMENTS
For An Authorized CommitteeRECEIVED
SECRETARY OF THE SENATE
PUBLIC RECORDS

12-06-12 PM 3:16

1. NAME OF
COMMITTEE (In full)

TYPE OR PRINT ▼

Example: If typing, type
over the lines.

12FE4M5

DAN LILJENQUIST FOR US SENATE

ADDRESS (number and street)

10 WEST BROADWAY SUITE 500

Check if different
than previously
reported. (ACC)

SALT LAKE CITY

UT

84101

2. FEC IDENTIFICATION NUMBER ▼

C C00509471

CITY ▲

STATE ▲

ZIP CODE ▲

STATE ▼ DISTRICT

3. IS THIS
REPORT

X

NEW
(N)

OR

AMENDED
(A)

UT

00

4. TYPE OF REPORT (Choose One)

(a) Quarterly Reports:

April 15 Quarterly Report (Q1)

July 15 Quarterly Report (Q2)

X October 15 Quarterly Report (Q3)

January 31 Year-End Report (YE)

Termination Report (TER)

(b) 12-Day PRE-Election Report for the:

Primary (12P)

General (12G)

Runoff (12R)

Convention (12C)

Special (12S)

Election on

M M / D D / Y Y Y Y

In the
State of

(c) 30-Day POST-Election Report for the:

General (30G)

Runoff (30R)

Special (30S)

Election on

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In the
State of

5. Covering Period

M M / D D / Y Y Y Y
07 01 2012

through

M M / D D / Y Y Y Y
09 30 2012

I certify that I have examined this Report and to the best of my knowledge and belief it is true, correct and complete.

Type or Print Name of Treasurer Mike McCauley

Signature of Treasurer

Date

10 ' 10 ' 2012

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Report to the penalties of 2 U.S.C. §437g.

Office
Use
OnlyFEC FORM 3
(Revised 02/2003)

FESAN018

13092682914

12021020073

Bundling 576 500
City of 89101

United States Postal Service

DELIVERY CONFIRMATION

OCT 2013 PM



0310 0460 0000 8621 7675

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\$3.14⁰
US POSTAGE
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SCREENED
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St. Broadway SPS 500
Lake City UT 84401

DELIVERY CONFIRMATION



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BY THE SENATE
POST OFFICE

SALE Lake City UT 84401
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13092682916

980012021

NANCY ERICKSON
SECRETARY

DANA K. MCCALLUM
SUPERINTENDENT

MARY SENATE OFFICE BUILDING
SUITE 232
WASHINGTON, DC 20510-7116
PHONE: (202) 224-0322

United States Senate

OFFICE OF THE SECRETARY

OFFICE OF PUBLIC RECORDS

THE PRECEDING DOCUMENT WAS:

HAND DELIVERED _____

Date of Receipt

USPS FIRST CLASS MAIL _____

Postmark

USPS REGISTERED/CERTIFIED _____

Postmark

USPS PRIORITY MAIL _____

Postmark

DELIVERY CONFIRMATION OR SIGNATURE CONFIRMATION LABEL ☐

USPS EXPRESS MAIL _____

Postmark

OVERNIGHT DELIVERY SERVICE:

SHIPPING DATE

NEXT BUSINESS DAY DELIVERY

FEDERAL EXPRESS _____

☐

UPS _____

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DHL _____

☐

AIRBORNE EXPRESS _____

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RECEIVED FROM FEDERAL ELECTION COMMISSION _____

Date of Receipt

POSTMARK ILLEGIBLE ☐

NO POSTMARK ☐

FAX _____

Date of Receipt

OTHER _____

Date of Receipt or Postmark

PREPARER

RD

DATE PREPARED

10-25-12

13092682917

12021020088



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

VIA OVERNIGHT DELIVERY

February 8, 2013

Mike McCauley, in official capacity as Treasurer
Dan Liljenquist for US Senate
10 West Broadway, Suite 500
Salt Lake City, UT 84101

C00509471
AF#: 2579

Dear Mr. McCauley:

On December 4, 2012, the Federal Election Commission ("Commission") found reason to believe ("RTB") that Dan Liljenquist for US Senate and you, in your official capacity as Treasurer ("respondents"), violated 2 U.S.C. § 434(a) for failing to file the 2012 October Quarterly Report. The Commission also made a preliminary determination that the civil money penalty was \$907 based on the schedule of penalties at 11 C.F.R. § 111.43.

After reviewing the written response and any supplemental information submitted by you and Commission staff, the Reviewing Officer has recommended that the Commission take no further action and close the file. A copy of the Reviewing Officer's recommendation is attached.

You may file with the Commission Secretary a written response to the recommendation within 10 days of the date of this letter. Your written response should be sent to the Commission Secretary, 999 E Street, NW, Washington, DC 20463. As a result of the anthrax threat in the Washington, DC area, US Postal Service mail delivery to federal agencies, including the Commission, has been interrupted. Until regular mail delivery resumes, you may also file your written response with the Commission Secretary via facsimile (202-208-3333) or by courier at the same address (if you use an overnight delivery service, please use zip code 20004 instead of zip code 20463). Please include the AF # in your response. Your response may not raise any arguments not raised in your original written response or not directly responsive to the Reviewing Officer's recommendation. 11 C.F.R. § 111.36(f). The Commission will then make a final determination in this matter.

Please contact me at the toll free number 800-424-9530 (press 0, then press 1660) or 202-694-1660 if you have any questions.

Sincerely,

Rhiannon Magruder

Rhiannon Magruder
Acting Reviewing Officer
Office of Administrative Review

13092682918



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RECEIVED
FEDERAL ELECTION
COMMISSION
SECRETARIAT

2013 FEB 20 AM 10:45

February 20, 2013

MEMORANDUM

SENSITIVE

To: The Commission

Through: Alec Palmer *AP*
Staff Director

From: Patricia C. Orrack *PCO*
Chief Compliance Officer

Rhiannon Magruder *RM*
Acting Reviewing Officer
Office of Administrative Review

Subject: Final Determination Recommendation in AF# 2579 – Dan Liljenquist for US Senate and Mike McCauley, in his official capacity as Treasurer (C00509471)

On December 4, 2012, the Commission found reason to believe that the respondents violated 2 U.S.C. § 434(a) for failing to file the 2012 October Quarterly Report and also made a preliminary determination that the civil money penalty was \$907 based on the schedule of penalties at 11 C.F.R. § 111.43.

On January 3, 2013, the Commission received the respondents' written response ("challenge"). After reviewing the challenge, the Reviewing Officer's recommendation dated February 8, 2013 was forwarded to the Commission, a copy was forwarded to the respondents, and is hereby incorporated by reference. Given the Committee's reasonable interpretation of the language contained in the Secretary of the Senate's Office of Public Records (OPR) mailing reminder letter regarding acceptable mailing methods, the Reviewing Officer recommended that the Commission take no further action and close the file.

Within 10 days of transmittal of the recommendation, the respondents may file a written response with the Commission Secretary which may not raise any arguments not raised in their challenge or not directly responsive to the Reviewing Officer's recommendation. 11 C.F.R. § 111.36(f). As of this date, a written response has not been received.

OAR Recommendations

- (1) Take no further action in AF# 2579 that Dan Liljenquist for US Senate and Mike McCauley, in his official capacity as Treasurer, violated 2 U.S.C. § 434(a) and close the file; and
- (2) Send the appropriate letter.

13092682919

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Final Determination Recommendation:) AF 2579
Dan Liljenquist for US Senate and Mike)
McCauley, in his official capacity as)
Treasurer (C00509471))

CERTIFICATION

I, Shawn Woodhead Werth, Secretary and Clerk of the Federal Election Commission, do hereby certify that on February 28, 2013, the Commission decided by a vote of 5-0 to take the following actions in AF 2579:

1. Take no further action in AF# 2579 that Dan Liljenquist for US Senate and Mike McCauley, in his official capacity as Treasurer, violated 2 U.S.C. § 434(a) and close the file.
2. Send the appropriate letter.

Commissioners Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

Attest:

February 28, 2013
Date

Shawn Woodhead Werth
Shawn Woodhead Werth
Secretary and Clerk of the Commission

13092682920



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

March 13, 2013

Mike McCauley, in official capacity as Treasurer
Dan Liljenquist for US Senate
10 West Broadway, Suite 500
Salt Lake City, UT 84101

C00509471
AF#: 2579

Dear Mr. McCauley:

On December 4, 2012, the Federal Election Commission ("Commission") found reason to believe ("RTB") that Dan Liljenquist for US Senate and you, in your official capacity as Treasurer ("respondents"), violated 2 U.S.C. § 434(a) for failing to file the 2012 October Quarterly Report. By letter dated December 5, 2012, the Commission sent notification of the RTB finding that included a civil money penalty calculated at RTB of \$907 in accordance with the schedule of penalties at 11 C.F.R. § 111.43. On January 3, 2013, the Office of Administrative Review received your written response, challenging the RTB finding.

The Reviewing Officer reviewed the Commission's RTB finding with its supporting documentation and the written response. Based on this review, the Reviewing Officer recommended that the Commission take no further action and close the file. A copy of the Reviewing Officer Recommendation was sent to you on February 8, 2013.

On February 28, 2013, the Commission adopted the Reviewing Officer's recommendation to take no further action with respect to 2 U.S.C. § 434(a) and close the file. A copy of the Final Determination Recommendation is attached.

The confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. The file will be made a part of the public record pursuant to 11 C.F.R. § 111.42(b). Although the file must be placed on the public record within 30 days from the date of the Commission's notification, this could occur at any time following certification of the Commission's vote.

If you have any questions regarding this matter, please contact Rhiannon Magruder on our toll free number (800) 424-9530 (press 0, then ext. 1660) or (202) 694-1660.

On behalf of the Commission,

A handwritten signature in cursive script that reads "Ellen L. Weintraub".

Ellen L. Weintraub
Chair

Attachment

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FEDERAL ELECTION COMMISSION
Washington DC 20463

THIS IS THE END OF ADMINISTRATIVE FINE CASE # 2579

DATE SCANNED

3/29/13

SCANNER NO.

2

SCAN OPERATOR

EES

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